

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 215

Introduced by Assembly Member Oropeza

February 3, 2005

An act to amend ~~Sections 13307 and 20442~~ *Section 20400* of, and to add Section 9093.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 215, as amended, Oropeza. Code of Fair Campaign Practices.

Existing law permits candidates for office to subscribe to a specified "Code of Fair Campaign Practices." Existing law requires elections officials to accept all completed Code of Fair Campaign Practices forms signed by candidates for public office at all times prior to the election and to retain those forms for public inspection until 30 days after the election.

~~This bill would require elections officials, after receiving a completed form that is properly subscribed to by a candidate for statewide elective office, to forward a copy of that form to the Secretary of State. This bill would require the Secretary of State to print the Code of Fair Campaign Practices in the state ballot pamphlet, and to indicate in that pamphlet *the availability of a list of* those candidates for statewide elective office ~~whose subscribed code forms have been submitted~~ *who have subscribed to the code*, as specified. It would also require local elections officials to include the Code of Fair Campaign Practices in the voter information portion of the sample ballot and to indicate in that portion of the sample ballot those candidates for State Senate and Assembly whose subscribed code~~

~~forms have been submitted, as specified. The bill would require the Secretary of State, on his or her Internet Web site, to identify candidates for state or federal offices who have voluntarily subscribed to the code, and to post the text of the code on his or her Internet Web site.~~

~~By requiring local elections officials to forward a copy of a candidate's completed form to the Secretary of State and to include additional material in the voter information portion of sample ballots, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9093.5 is added to the Elections Code,
- 2 to read:
- 3 9093.5. The Secretary of State shall cause to be printed in the
- 4 state ballot pamphlet the Code of Fair Campaign Practices, and
- 5 shall indicate in that pamphlet, ~~at no cost to any candidate, those~~
- 6 ~~candidates for statewide elective office whose subscribed code~~
- 7 ~~forms have been submitted, in accordance with timeframes and~~
- 8 ~~procedures set forth by the Secretary of State for the preparation~~
- 9 ~~of the state ballot pamphlets the availability of a list of those~~
- 10 ~~candidates for statewide elective office who have subscribed to~~
- 11 ~~the code on the Secretary of State's website and by contacting a~~
- 12 ~~local elections official.~~
- 13 SEC. 2. Section 20400 of the Elections Code is amended to
- 14 read:
- 15 20400. (a) The Legislature declares that the purpose of this
- 16 chapter is to encourage every candidate for public office in this
- 17 state to subscribe to the Code of Fair Campaign Practices.

(b) It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

(c) The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

(d) To further the purposes of the Code of Fair Campaign Practices and to encourage every candidate for public office in this state to subscribe to it, the Secretary of State shall post a declaration identifying all candidates for a state or federal office who have voluntarily subscribed to the Code of Fair Campaign Practices and the text of that code on the Secretary's Internet Web site where the certified list of candidates is displayed.

(e) A local elections official may post the information required to be posted by the Secretary of State pursuant to subdivision (d) on his or her jurisdiction's Internet Web site.

SEC. 2. ~~Section 13307 of the Elections Code is amended to read:~~

~~13307. (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.~~

~~(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no~~

primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

(3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

(b) The elections official shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate shall be printed in a type of uniform size and darkness, and with uniform spacing. The elections official shall include the Code of Fair Campaign Practices in the voter information portion of the sample ballot. The elections official shall indicate in that portion of the sample ballot, at no cost to any candidate, those candidates for State Senate and Assembly whose subscribed code forms have been submitted, in accordance with the timeframes and procedures set forth in this section for the submission of candidate statements. The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

(c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation

1 of the actual cost that varies from one election to another election
2 and may be significantly more or less than the estimate,
3 depending on the actual number of candidates filing statements.
4 Accordingly, the elections official is not bound by the estimate
5 and may, on a pro rata basis, bill the candidate for additional
6 actual expense or refund any excess paid depending on the final
7 actual cost. In the event of underpayment, the elections official
8 may require the candidate to pay the balance of the cost incurred.
9 In the event of overpayment, the elections official shall prorate
10 the excess amount among the candidates and refund the excess
11 amount paid within 30 days of the election.

12 (d) ~~Nothing in this section shall be deemed to make any~~
13 ~~statement or the authors thereof free or exempt from any civil or~~
14 ~~criminal action or penalty because of any false, slanderous, or~~
15 ~~libelous statements offered for printing or contained in the~~
16 ~~voter's pamphlet.~~

17 (e) ~~Before the nominating period opens, the local agency for~~
18 ~~that election shall determine whether a charge shall be levied~~
19 ~~against that candidate for the candidate's statement sent to each~~
20 ~~voter. This decision shall not be revoked or modified after the~~
21 ~~seventh day prior to the opening of the nominating period. A~~
22 ~~written statement of the regulations with respect to charges for~~
23 ~~handling, packaging, and mailing shall be provided to each~~
24 ~~candidate or his or her representative at the time he or she picks~~
25 ~~up the nomination papers.~~

26 (f) ~~For purposes of this section and Section 13310, the board~~
27 ~~of supervisors shall be deemed the governing body of judicial~~
28 ~~elections.~~

29 SEC. 3. ~~Section 20442 of the Elections Code is amended to~~
30 ~~read:~~

31 20442. ~~The elections official shall accept, at all times prior to~~
32 ~~the election, a completed form of the code that is properly~~
33 ~~subscribed to by a candidate for public office and shall retain it~~
34 ~~for public inspection until 30 days after the election. If the~~
35 ~~elections official receives a completed form that is properly~~
36 ~~subscribed to by a candidate for statewide elective office, the~~
37 ~~elections official shall forward a copy of that form to the~~
38 ~~Secretary of State.~~

39 SEC. 4. ~~If the Commission on State Mandates determines that~~
40 ~~this act contains costs mandated by the state, reimbursement to~~

- 1 ~~local agencies and school districts for those costs shall be made~~
- 2 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
- 3 ~~4 of Title 2 of the Government Code.~~

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